

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Linda Parker, R.N.

License No. E51367

12 Merril Street, C-10

Hartford CT 06106

CASE PETITION NO. 920401-10-016

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated February 2, 1993. (Department Exhibit 1) The Statement of Charges alleged, in one count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Linda Parker (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated February 3, 1993 scheduling a hearing for March 10, 1993. (Department Exhibit 1) The hearing scheduled for March 10, 1993 was continued and took place on May 13, 1993 in Room B-120, Department of Health Services, 150 Washington Street, Hartford, Connecticut. (Hearing Transcript, May 13, 1993, p. 3)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Linda Parker, hereinafter referred to as the Respondent, was issued Registered Nurse License Number E51367 on September 1, 1988 and was at all times referenced in the Statement of Charges the holder of said license. (Department Exhibit 4)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 3)
3. The Respondent was aware of the time and location of the hearing. Department Exhibits 1 and 2 indicate that Notice of Hearing, Statement of Charges and Notice of Continuance of Formal Hearing were delivered by certified mail to the Respondent and/or the Respondent's attorney.
4. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, May 13, 1992, p. 2)

5. The Respondent was issued licensed practical nurse license number 018488 on December 10, 1979. Said license expired on June 30, 1989 and has not been renewed. (Department Exhibit 4)
6. The Respondent submitted an Answer to the Statement of Charges. (Department Exhibit 5)
7. That from on or about October 1983 to on or about August 1992 the Respondent was employed at Blue Hills Hospital, Hartford, Connecticut. The Respondent was initially employed in the capacity of a licensed practical nurse and then a registered nurse. (Department Exhibit 6) (Hearing Transcript, May 13, 1993, pp. 8-16)
8. That the Respondent began abusing controlled substances on or about October 1983. (Department Exhibit 6) (Respondent Exhibit A)
9. That the Respondent has abused and used to excess, controlled substances inclusive of Cocaine, Heroin and Benzodiazepines. (Department Exhibit 6) (Respondent Exhibit A)
10. That during September 1991 and March 1992, while employed as a registered nurse at Blue Hills Hospital, the Respondent was abusing and/or using to excess Heroin and Cocaine. (Department Exhibit 6, pp. 28, 29, 40, 49, 69) (Hearing Transcript, May 13, 1993, pp. 12-13)

11. That on March 18, 1992 the Respondent was relieved of duty while working as a registered nurse at Blue Hills Hospital due to being impaired as a result of abusing Cocaine. (Department Exhibit 6) (Hearing Transcript, May 13, 1993, pp. 12-13)
12. That while working as a registered nurse at Blue Hills Hospital the Respondent was unable to competently carry out usual nursing functions. (Department Exhibit 6)
13. That the Respondent has received drug abuse treatment at Blue Ridge, Bloomfield, Connecticut in 1988; Quarry Hill, Westfield, Massachusetts in 1990; The Institute of Living, Hartford, Connecticut in 1992 and Blue Ridge, Bloomfield, Connecticut in 1992. (Department Exhibit 6) (Respondent Exhibit A) (Hearing Transcript, May 13, 1993, pp. 10-12)
14. That the Respondent relapsed on or about July/August 1992. (Hearing Transcript, May 13, 1993, p. 16)
15. That the Respondent is engaged in individual substance abuse therapy. (Respondent Exhibit A)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Linda Parker held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges, the Respondent, during 1991 and/or 1992 and at subsequent times while working as a registered nurse at Blue Hills Hospital, Hartford, Connecticut, "a. abused or utilized to excess the controlled substance Cocaine; and/or b. reported to work as a nurse in an intoxicated state; and/or c. was negligent and/or incompetent in carrying out her usual nursing functions."

The Respondent admits these charges. (Answer: Department Exhibit 5)

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the First Count Paragraph 3 is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to the General Statutes of Connecticut.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count, the registered nurse license of the Respondent be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.
3. That at any future time should the Respondent apply for reinstatement of her registered nurse license in Connecticut, she must present evidence, to the satisfaction of the Board, that she has been alcohol and drug free; that she has engaged in counseling and therapy for substance abuse; and that she has actively participated in a 12-Step structured recovery program.

The Board of Examiners for Nursing finds the misconduct regarding the First Count is severable and warrants the disciplinary action imposed.

The Board of Examiners for Nursing informs the Respondent, Linda Parker, and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 30th day of June, 1993.

BOARD OF EXAMINERS FOR NURSING

By Lanica A. Thibodeau

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